

1 CHAPTER ~~16~~ 29.

2 STATE BOARD FOR COMMUNITY COLLEGES AND COMMUNITY COLLEGE
3 SYSTEM.

4 **Drafting note:** Existing Chapter 16 is reorganized as proposed Chapter 29. The
5 article structure of the existing chapter is removed and the provisions of existing Article 2,
6 relating to the Community College Incentive Scholarship Program, are removed as
7 obsolete.

8 ~~Article 1.~~

9 ~~General Provisions.~~

10 **Drafting note:** The designation of Article 1 is removed because the article structure
11 of existing Chapter 16 is not retained in proposed Chapter 29.

12 ~~§§ 23-192 through 23-213.~~

13 **Drafting note:** Repealed by Acts 1966, c. 679.

14 ~~§ 23-214~~ 23.1-29xx. Definitions.

15 As used in this chapter, unless the context requires a different meaning:

16 (a) "Area career and technical school" means a career or technical school used
17 exclusively or principally for providing career and technical education to persons who (i) have
18 completed or left high school or are recommended for transfer by the school last attended and
19 (ii) are available for full-time study in preparation for entering the labor market or part-time
20 study after entering the labor market.

21 "Career and technical education" means the training or retraining under public
22 supervision and control that is (i) given in school classes, including field or laboratory work
23 incidental to such training or retraining, exclusive of those career and technical education
24 programs provided and administered by or through the public school system and (ii) conducted
25 as part of a program designed to fit individuals for gainful employment as semiskilled or skilled
26 workers or technicians in recognized occupations.

27 "Chancellor" means the Chancellor of Community Colleges.

~~"Comprehensive community college" means an institution of higher education which offers instruction in one or more of the following fields:~~

~~(1) Freshman and sophomore courses in arts and sciences acceptable for transfer in baccalaureate degree programs;~~

~~(2) Diversified technical curricula including programs leading to the associate degree;~~

~~(3) Career and technical education leading directly to employment;~~

~~(4) Courses in general and continuing education for adults in the above fields;~~

~~(5) Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.~~

~~(b) "State Board" or "Board" means the State Board for Community Colleges.~~

~~(c) "Local community college board" means the board established to act in an advisory capacity to the State Board and to perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.~~

~~(d) "Career and technical education" means the training, or retraining, which is given in school classes (including field or laboratory work incidental thereto), under public supervision and control, exclusive of those career and technical education programs provided and administered by, or through, the public school system and is conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled, workers or technicians in recognized occupations.~~

~~(e) "Area career and technical school" means a career or technical school used exclusively, or principally, for providing career and technical education to persons who have completed, or left, high school, or are recommended for transfer by the school last attended, and who are available for full-time study in preparation for entering the labor market, or for part-time study after entering the labor market.~~

~~(f) "System" means the Virginia Community College System.~~

Drafting note: Definitions are moved into alphabetical order and are no longer numbered, consistent with current Code style. A chapter-wide definition is added for

"Chancellor." Definitions for "Board," "comprehensive community college," and "System" are stricken and incorporated into the proposed title-wide definitions section, § 23.1-1xx.

~~§ 23-214.1. Meaning of statutory references to Department of Community Colleges.~~

~~Wherever the words "Virginia Community College System" are used in any law of this State, they shall mean the State Board for Community Colleges.~~

Drafting note: Existing § 23-214.1 is stricken as obsolete.

~~§ 23-215_23.1-29xx. Responsibilities of State Board and System for Community Colleges established; purpose; Virginia Community College System.~~

~~A. The State Board for Community Colleges heretofore established by law is continued. The Board shall be is established as~~ a corporation under the style of "the State Board for Community Colleges." ~~The State Board shall be responsible, through the exercise of the powers and performance of the duties set forth in this chapter, for the establishment, control, and administration of to establish, control, and administer~~ a statewide system of publicly supported comprehensive community colleges, which shall be known as the Virginia Community College System.

~~B. The Virginia Community College System shall be the state agency with primary responsibility for coordinating workforce training at the postsecondary to the associate degree level, exclusive of the career and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the community colleges.~~

~~C. In addition to other responsibilities of the Virginia Community College System, the community colleges shall (i) maximize noncredit course offerings made available to business and industry at a time and place that meet current and projected workforce needs and minimize the cost of noncredit offerings to business and industry to the extent feasible, (ii) deal directly with employers in designing and offering courses to meet real, current, and projected workforce~~

~~training needs, and (iii) maximize the availability and use of distance learning courses addressing workforce training needs. The Virginia Community College System shall report on actions taken to meet the requirements of this subsection in its annual report to the General Assembly on workforce development activities required by the appropriation act.~~

Drafting note: The provisions of subsection B and the last sentence of subsection C of existing § 23-215 are relocated to proposed § 23.1-29xx (existing § 23-218). Technical changes are made.

~~§ 23-216 23.1-29xx. Number, terms and eligibility of members of State Board; membership.~~

~~(a) A. The State Board shall consist of fifteen 15 nonlegislative citizen members appointed by the Governor subject to confirmation by the General Assembly if in session, and if not, at its next succeeding session. The first appointments shall be four members for one year, four members for two years, four members for three years and three members for four years, and thereafter all such appointments shall be made for terms of four years each, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve more than two consecutive four-year terms, except that a member may be appointed to a term of less than four years immediately prior to or between the four-year terms. No person shall be eligible for reappointment following two consecutive four-year terms for two years thereafter. Members shall continue to discharge their duties after their terms have expired until their successors have been appointed and have qualified. Members who serve two consecutive four-year terms shall be eligible for reappointment two years after the expiration of their second term.~~

~~(b) The State Board shall be composed of persons selected from B. Each member shall be a resident of the Commonwealth at large. No officer, employee, or member of the governing board of any public institution of higher education; or of any school subject to the control of the State Board, or any member of the General Assembly, or any and no member of the State Board of Education; shall be eligible for appointment to the State Board. All members of the State~~

Board shall be deemed members at large charged with the responsibility of serving the best interests of the whole Commonwealth. ~~No, and no~~ member shall act as the representative of any particular region or ~~of any particular~~ institution of higher education.

Drafting note: Language establishing staggered terms for State Board members is removed as obsolete. Current language in subsection A that establishes terms and conditions of membership in and reappointment to a State Board is stricken and incorporated into proposed § 23.1-13xx relating to the terms and removal of members of the board of visitors of each public institution of higher education generally. The prohibition on membership by a member of the General Assembly is removed because the section is amended to classify all members as nonlegislative citizen members, which are defined for the Code in § 1-225 as "any natural person who is not a member of the General Assembly of Virginia." Technical changes are made.

~~§ 23-217 23.1-29xx. Chairman and vice chairman of State~~ Board; ~~oath of members; officers,~~ meetings; ~~quorum; rules and, and~~ regulations.

A. The State Board shall ~~select~~ elect a chairman from its membership; and may provide for the election of one of its members as vice-chairman.

B. ~~Before entering upon the discharge of his duties, each member of the Board shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein.~~

~~C.~~ The State Board shall meet at least four times annually; and on call of the chairman when in his opinion additional meetings are expedient or necessary.

~~D.C.~~ Eight members of the State Board shall constitute a quorum for all purposes.

~~E.D.~~ The main office of the State Board shall be in the Commonwealth.

~~F.E.~~ The State Board is ~~empowered~~ authorized to promulgate necessary ~~rules and~~ regulations for carrying out the purposes of this chapter.

Drafting note: Technical changes are made, including use of "regulations" rather than "rules and regulations" per recommendation of the Code Commission. Subsection B

of existing § 23-217 is removed as duplicative of § 49-1, which states that "[e]very person before entering upon the discharge of any function as an officer of this Commonwealth shall take and subscribe the following oath: 'I do solemnly swear (or affirm) that . . . I will faithfully and impartially discharge all the duties incumbent upon me'"

~~§ 23-218 23.1-29xx. Plan for comprehensive community colleges; appropriations; tuition fees and charges; grants or contributions; apprenticeships~~ State Board duties.

~~A. The State Board is authorized and directed to prepare shall:~~

1. Be the state agency with primary responsibility for coordinating workforce training at the postsecondary through the associate degree level, exclusive of the career and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the comprehensive community colleges;

2. Report on actions that comprehensive community colleges have taken to meet the requirements of § 23.1-29xx [community colleges; duties; workforce (below)] in its annual report to the General Assembly on workforce development activities required by the appropriation act;

3. Prepare and administer a plan providing standards and policies for the establishment, development, and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges; and develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective shall be to provide and maintain a system of comprehensive community colleges ~~through which appropriate educational opportunities and programs to accomplish the purposes set forth in subdivision (a) of § 23-214 shall be made available throughout the Commonwealth,~~ as that term is defined in § 23.1-29xx [23-214] to make appropriate educational opportunities and programs available throughout the Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in all curricula and shall

endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve.

~~B. The Board shall have the authority to control and expend funds appropriated by law, and to fix tuition fees and charges. The Board may establish policies and guidelines providing for reduced tuition rates at Virginia's community colleges for employees of the Virginia Community College System. The Board may exercise the powers conferred by Chapter 3 (§ 23-14 et seq.) of this title as any other educational institution as defined in § 23-14.~~

~~C. The Board shall be authorized, with the approval of the Governor, to accept from any government or governmental department or agency or any public or private body or from any other source, grants or contributions of money or property which the Board may use for or in aid of any of its purposes.~~

Note to work group: Amended in 2015.

~~§ 23-220. Local community college boards.~~

~~The State Board shall establish~~ 4. Establish policies providing for the creation of a local community college board for each ~~institution~~ comprehensive community college established under this chapter and the procedures and regulations under which such local boards shall operate. ~~A local community college board as defined in § 23-214 shall be established for each college.~~ These boards shall assist in ascertaining educational needs, and enlisting community involvement and support; and shall perform such other duties as may be prescribed by the State Board;

~~D. The Board shall establish~~ 5. Establish policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies. The Chancellor, with the approval of the State Board ~~for Community Colleges~~, shall provide for the administration and supervision of related and supplemental instruction for apprentices;

6. Adhere to the policies of the Council for the coordination of higher education as required by law; and

~~§ 23-219.1. Mental health policies.~~

~~The Board shall develop~~ 7. Develop a mental health referral policy directing comprehensive community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for the purposes of facilitating screening and referral of students who may have emergency or urgent mental health needs and of assisting the college in carrying out the duties specified by §§ ~~23-9.2:8~~ 23.1-xxx and ~~23-9.2:10~~ 23.1-xxx. ~~A. Each comprehensive~~ community college may establish relationships with community services boards or other mental health providers for referral and treatment of persons with less serious mental health needs.

Drafting note: Existing § 23-218 is logically reorganized as follows: Provisions in existing subsections B and C relating to State Board powers are stricken and incorporated into proposed § 23.1-29xx [next section]. Provisions relating exclusively to State Board duties are retained as proposed § 23.1-29xx, into which is incorporated the provisions of subsection B of existing § 23-215 as proposed subdivision 1; the last sentence of subsection C of existing § 23-215 as proposed subdivision 2; the provisions of existing § 23-220 as proposed subdivision 4; the provisions of subsection D of existing § 23-218 as proposed subdivision 5; the provisions of the first paragraph of existing § 23-221 as subdivision 6; and the provisions of existing § 23-219.1 as proposed subdivision 7. Technical changes are made.

§ 23.1-29xx. State Board powers.

The State Board may:

1. With the approval of the Governor, accept from any government or governmental department or agency or any public or private body or from any other source grants or contributions of money or property that the State Board may use for or in aid of any of its purposes;

2. Control and expend funds appropriated by law;

3. Fix tuition, fees, and other necessary charges;

4. Establish policies and guidelines providing for reduced tuition rates at comprehensive community colleges for employees of the System;

5. Exercise the powers conferred to educational institutions by Chapter xxx (§ 23.1-xxx et seq.) [Chapter 3 (§ 23-14 et seq.)]; and

~~§ 23-219. Diplomas, certificates and associate degrees.~~

~~The Board shall have the right to confer~~ 6. Confer diplomas, certificates, and associate degrees.

Drafting note: Proposed § 23.1-29xx is created to consolidate provisions relating exclusively to State Board powers. Subdivisions 1 through 5 are derived from subsections B and C of existing § 23-218, and existing § 23-219 is incorporated as subdivision 6. Technical changes are made.

§ 23.1-29xx. Comprehensive community colleges; duties; workforce.

Each comprehensive community college shall:

1. Maximize noncredit course offerings made available to business and industry at a time and place that meet current and projected workforce needs and minimize the cost of noncredit offerings to business and industry to the extent feasible;

2. Deal directly with employers in designing and offering courses to meet real, current, and projected workforce training needs; and

3. Maximize the availability and use of distance learning courses addressing workforce training needs.

Drafting note: The provisions of all but the last sentence of subsection C of existing § 23-215 are logically reorganized as proposed § 23.1-29xx. Technical changes are made.

~~§ 23-220.1. Expired.~~

Drafting note: Expired pursuant to Chapter 875 of the Acts of Assembly of 1996.

~~Article 2.~~

~~Community College Incentive Scholarship Program.~~

Drafting note: The provisions of existing Article 2 are stricken as obsolete.

~~§ 23-220.2. Incentive scholarships program; Board to administer; promulgation of regulations.~~

~~There is hereby created the Community College Incentive Scholarship Program to provide incentive scholarships to eligible students attending comprehensive community colleges in Virginia. Funds may be paid to any comprehensive community college on behalf of students who have been awarded such scholarships pursuant to § 23-220.4.~~

Drafting note: The provisions of existing § 23-220.2 are stricken as obsolete.

~~§ 23-220.3. Community College Incentive Scholarship Fund created.~~

~~A. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created in the state treasury a special nonreverting fund to be known as the Community College Incentive Scholarship Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Funds may be paid to any comprehensive community college on behalf of students who have been awarded scholarships pursuant to § 23-220.4. The first such scholarships shall be awarded after July 1, 1998.~~

~~Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Board for Community Colleges.~~

~~B. The Board shall promulgate regulations for the implementation of the provisions of this article and shall award scholarships to eligible students meeting the criteria established pursuant to § 23-220.4.~~

Drafting note: The provisions of existing § 23-220.3 are stricken as obsolete.

~~§ 23-220.4. Eligible students; criteria for award of scholarships.~~

~~A. Only students who (i) are domiciled residents of Virginia as defined by § 23-7.4, (ii) are enrolled as second-year students on a full-time basis in a designated technical training program at a comprehensive community college in Virginia, and (iii) have a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent upon the completion of one year as a full-time student at a comprehensive community college in Virginia shall be eligible to receive such scholarships.~~

~~B. The Board, in consultation with the Virginia Economic Development Partnership, shall designate those technical training programs for which scholarships may be awarded. The selected programs shall reflect current and projected workforce training needs in the Commonwealth.~~

~~C. Scholarships awarded pursuant to this article shall provide for the payment in full of tuition and fees for enrollment for one year as a full-time, second-year student.~~

Drafting note: The provisions of existing § 23-220.4 are stricken as obsolete.

~~Article 3.~~

~~Administration Generally.~~

Drafting note: The designation of Article 3 is removed because the article structure of existing Chapter 16 is not retained in proposed Chapter 29.

~~§ 23-221.1.~~

Drafting note: Repealed by Chapter 728 of the Acts of Assembly of 1980.

~~§ 23-222. Transfer of facilities, assets and programs.~~

~~(a) Effective July 1, 1967, all physical facilities, assets and programs of instruction in the fields specified in subdivision (a) of § 23-214 of the following institutions shall be transferred to and placed under the control and administration of the State Board for Community Colleges:~~

~~Eastern Shore Branch of the School of General Studies of the University of Virginia;~~

~~Lynchburg Branch of the School of General Studies of the University of Virginia;~~

~~Patrick Henry College of the University of Virginia;~~

~~Clifton Forge Covington Branch of the Virginia Polytechnic Institute and State University,~~

~~Roanoke Technical Institute of the Virginia Polytechnic Institute and State University,~~

~~Roanoke Center of the School of General Studies of the University of Virginia, and~~

~~Wytheville Branch of the Virginia Polytechnic Institute and State University.~~

~~Provided, however, that no such transfer shall take place with respect to any individual institution specified in the next preceding paragraph until (1) the Advisory Committee on Community Colleges certifies to the State Board and the Governor that such individual institution has demonstrated the requirements necessary for accreditation by the Southern Association of Colleges and Schools and (2) the Governor signifies in writing his approval of such transfer. If such certification by the Advisory Committee is not made with respect to any individual institution prior to July 1, 1967, then certification shall only be made between July one and August one of any succeeding year, and such transfer shall take place, if the Governor signifies in writing his approval of such transfer, on July one next following the date on which such certification is made.~~

~~The college or university of which any individual institution is a part shall cooperate in obtaining certification for such institution. As soon as practicable, the State Board shall request individual accreditation of the institutions specified in this section by the Southern Association of Colleges and Schools.~~

~~Notwithstanding any provision of this subsection or any other provision of this chapter, it is further provided that by agreement between the State Board and the governing body of the college or university of which any such individual institution is a part, and with the approval of the Governor, such transfer may take place prior to July 1, 1967, or any date subsequent thereto.~~

~~(b) Effective July 1, 1966, the physical facilities, assets and programs of existing technical colleges and all assets of the existing State Board and Department of Technical Education shall be transferred to and placed under the control and administration of the State Board for Community Colleges.~~

~~(c) Effective July 1, 1966, all educational programs for post high school age youth and adults in existing area career and technical schools under the State Board of Education shall be transferred to and placed under the control and government of the State Board for Community Colleges.~~

~~(d) All the real estate and personal property now existing and heretofore [before July 1, 1966] standing in the name of institutions or boards included in subsections (a) and (b) of this section shall, on the dates set forth in such subsections, be transferred to and taken as standing in the name of the State Board for Community Colleges.~~

~~(e) In effecting the transfers specified in this section, the State Board for Community Colleges shall respect any existing financial investment of local communities in these institutions by establishing policies which will insure an equitable method of financing future developments.~~

Drafting note: The provisions of existing § 23-222 are stricken as obsolete.

~~§ 23-223 23.1-29xx. Chancellor of Community Colleges generally.~~

~~(a) A. The State Board shall appoint a Chancellor of Community Colleges, ~~hereinafter sometimes called the Chancellor, shall be appointed by the State Board for Community Colleges. Any vacancy shall be filled by the Board. The Chancellor shall to~~ be the chief executive officer of the System. ~~The Chancellor shall, without additional compensation, serve as~~ and secretary to the State Board ~~for Community Colleges and shall fix his salary.~~~~

~~(b) The salary of the Chancellor shall be fixed by the Board.~~

~~(e) B. Before entering upon the discharge of the duties of his office, the Chancellor shall qualify by taking and subscribing the oath required of all officers of the Commonwealth pursuant to § 49-1.~~

~~§ 23-224. Duties of Chancellor generally.~~

~~(a) It shall be the duty of the C. The Chancellor of Community Colleges to formulate shall:~~

1. Formulate such ~~rules~~ policies and regulations; and provide for such assistance in his office as shall be necessary for the proper performance of the duties prescribed by the provisions of this chapter;

~~(b) The State Board shall prescribe the duties of the Chancellor, in addition to those duties otherwise prescribed for him by law, and, in its discretion, approve the appointment by the Chancellor of such agents and employees as may be needed by the Chancellor in the exercise of the functions, duties and powers conferred and imposed by law and in order to effect a proper organization to carry out his duties.~~

Note to work group: Amended in 2015.

~~§ 23-225. Agents and employees generally.~~

~~The functions, duties, powers and titles of the agents and employees provided for in § 23-224, their salaries and remunerations, not in excess provided therefor by law, shall be fixed by the Chancellor with the approval of the State Board and subject to~~

2. Appoint agents and employees and fix their functions, powers, duties, titles, and salaries, subject to the approval of the State Board and the provisions of ~~Chapter 29~~ the Virginia Personnel Act (§ 2.2-2900 et seq.) ~~of Title 2.2;~~

~~§ 23-227. Annual report.~~

~~The Chancellor shall submit~~ 3. Submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain, at a minimum, the annual financial statements for the year ending the preceding June 30 and the accounts and status of any ongoing capital projects;

~~§ 23-228. Forms.~~

~~The Chancellor shall prescribe~~ 4. Prescribe the forms of applications, reports, affidavits, and such other forms as ~~shall~~ may be required in the administration of ~~the~~ this chapter;

~~§ 23-229. Cooperation with federal agencies; federal grants in aid generally.~~

~~(a) Subject to the direction of the Board, the Chancellor shall cooperate~~ 5. Cooperate with agencies of the United States in relation to matters set forth in this chapter; and in any

reasonable manner that may be necessary for the Commonwealth to qualify for and to receive grants or aid from such federal agencies, subject to the direction of the State Board.

~~(b) Nothing in this chapter shall preclude any other agency, board or officer of the Commonwealth from being designated as the directing or allocating agency, board or officer for the distribution of federal grants in aid or the performance of other duties to the extent necessary to qualify for and to receive grants in aid for programs and institutions under the administration of the State Board for Community Colleges; and~~

~~§ 23-231. Enforcement of standards for personnel.~~

~~The Chancellor shall enforce~~ 6. Enforce the standards established by the State Board for personnel employed in the administration of this chapter and remove or cause to be removed each employee who does not meet such standards.

~~§ 23-230. Chancellor authorized to receive grants in aid and gifts; payment of funds into state treasury.~~

D. The Chancellor is authorized to receive, for and on behalf of the Commonwealth and its subdivisions, from the United States and agencies ~~thereof, and from~~ of the United States and any ~~and all~~ other ~~sources, source~~ grants-in-aid and gifts; made for the purpose of providing; or ~~to assist~~ assisting in providing; any career and technical; or other; education or educational programs authorized by this chapter, including expenses of administration. All such funds shall be paid into the state treasury. However, nothing in this chapter shall preclude any other agency, board, or officer of the Commonwealth from being designated as the directing or allocating agency, board, or officer for the distribution of federal grants-in-aid or the performance of other duties to the extent necessary to qualify for and to receive grants-in-aid for programs and institutions under the administration of the State Board.

Drafting note: Existing § 23-223, relating to the Chancellor of Community Colleges generally, is expanded as proposed § 23.1-29xx to incorporate the Chancellor's powers and duties from multiple existing sections as follows:

1. Subsection (a) of existing § 23-224 is relocated as proposed subdivision C 1;

2. Subsection (b) of existing § 23-224 and existing § 23-225 are combined to create proposed subdivision C 2;

3. Existing § 23-227 is relocated as proposed subdivision C 3;

4. Existing § 23-228 is relocated as proposed subdivision C 4;

5. Subsection (a) of existing § 23-229 is relocated as proposed subdivision C 5, and subsection (b) of existing § 23-229 is relocated as the second sentence of proposed subsection D;

6. Existing § 23-231 is relocated as proposed subdivision C 6; and

7. Existing § 23-230 is relocated as proposed subsection D, the second sentence of which is derived from subsection (b) of existing § 23-229.

§ ~~23-226~~ 23.1-xxx. Bonds of agents and System employees.

Proper bonds shall be required of all agents and employees who ~~shall~~ handle any funds ~~which that~~ may come into the custody of the System. The premiums on the bonds shall be paid from funds appropriated by the Commonwealth for the administration of the provisions of this chapter.

Drafting note: Technical changes.

§ ~~23-224~~ 23.1-29xx. ~~Adherence to policies of State Council of Higher Education; extension~~ Extension programs; similar courses of study.

~~The State Board shall adhere to the policies of the State Council of Higher Education for the coordination of higher education as required by law.~~

In any area served by a comprehensive community college, no public institution of higher ~~learning which education that~~ conducts extension programs shall, ~~after July 1, 1966~~, offer courses of study similar to those offered by a comprehensive community college, except as authorized by the ~~State Council of Higher Education~~. Whenever practicable, the State Board shall provide facilities to such public institutions of higher ~~learning education~~ for conducting extension programs not in conflict with the provisions of this chapter.

Drafting note: The first paragraph of existing § 23-221 is relocated as subdivision 8 of proposed § 23.1-29xx (existing § 23-218). Technical changes are made.

~~§ 23-231.1~~ 23.1-29xx. Community College Week.

The ~~General Assembly finds that the community colleges in Virginia provide the general public with quality educational services which contribute to maintaining a knowledgeable and skilled citizenry. In recognition of these services, the~~ fourth week in January of every year ~~beginning in 1986~~ shall be declared "Community College Week." ~~The and the~~ State Board ~~for Community Colleges~~ may approve such activities in observance of this week as it deems appropriate.

Drafting note: The statement of legislative finding by the General Assembly is stricken per the Code Commission policy regarding such statements. Technical changes are made.

~~§ 23-220.01~~ 23.1-29xx. ~~Apprenticeship program for employees of ship manufacturing and ship repair companies; fund~~ Shipyard workers; applied sciences and apprenticeship programs; Virginia Vocational Incentive Scholarship Program for Shipyard Workers; Fund.

A. For purposes of this section:

"Applied sciences program" means a three-year program of educational instruction at the college that incorporates instruction in industrial applied sciences and leads to the conferral of an Associate in Applied Science degree on any person who successfully completes such program.

"Apprenticeship program" means a three-year program at the college combining educational instruction and on-the-job training that is established for the purpose of enhancing the education and skills of shipyard workers.

"College" means the Tidewater Community College.

"Industrial applied sciences" may include applied sciences such as welding, burning, blasting, and other applied sciences.

"Shipyard worker" means any employee employed full time on a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, at a ship manufacturing or ship repair company located in the Commonwealth.

B. The Virginia Vocational Incentive Scholarship Program for Shipyard Workers is established.

C. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) awarding scholarships to shipyard workers enrolled at the college in the applied sciences program or the apprenticeship program or (ii) the administration and implementation of the applied sciences program or the apprenticeship program or both. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the president of Tidewater Community College.

D. Subject to the ~~State Council of Higher Education for Virginia's Council's~~ authority to approve or disapprove all new academic programs as provided in subdivision ~~5. xx~~ of § ~~23-9.6:1~~ 23.1-xxx, the college may offer ~~a three-year program of educational instruction that incorporates instruction in industrial applied sciences. An Associate in Applied Science Degree shall be conferred on any person successfully completing such academic program. The college may an applied sciences program and~~ coordinate such ~~academic~~ program with an apprenticeship program offered to shipyard workers by their employers.

~~C. E.~~ Beginning in the calendar year that the Council approves ~~such academic~~ an applied sciences program and for calendar years thereafter, shipyard workers who are (i) domiciled

residents of Virginia as described in § ~~23-7.4~~ 23.1-xxx and (ii) enrolled as ~~full-~~ full-time or part-time students in ~~such academic~~ the applied sciences program; shall be eligible for scholarships for such program. Renewal of the scholarships of such shipyard workers shall be contingent upon maintaining (a) enrollment in ~~such academic~~ the applied sciences program, (b) a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent at the completion of each academic year, and (c) full-time employment as a shipyard worker.

F. The college shall award scholarships to eligible students in the applied sciences program or the apprenticeship program for no more than three academic years. Scholarship amounts shall not exceed full tuition and required fees relating to such academic program or the apprenticeship program.

D. G. Before any scholarship is awarded in accordance with the provisions of this section, the scholarship recipient shall sign a promissory note under which he agrees (i) to continue full-time employment as a shipyard worker until his graduation and (ii) upon graduation, to work continuously as a shipyard worker for the same number of years that he was the beneficiary of ~~such~~ the scholarship. The college shall recover the total amount of funds awarded as a scholarship, or the appropriate portion thereof, including any accrued interest, if the scholarship recipient fails to honor such requirements.

~~E. There is hereby created the Virginia Vocational Incentive Scholarship Program for Shipyard Workers to provide scholarships to shipyard workers enrolled at the college either in such academic program or in the apprenticeship program.~~

~~F. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but~~

~~shall remain in the Fund. Funds may be paid to the college on behalf of shipyard workers who have been awarded scholarships pursuant to subsection C and shipyard workers in the apprenticeship program. Funds may also be used for the administration and implementation of such academic program and/or the apprenticeship program.~~

~~Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the President of Tidewater Community College.~~

~~G. H. The Council shall promulgate regulations for the implementation of the provisions of this section and the college shall award scholarships to eligible students for no more than three academic years. Scholarship amounts shall not exceed full tuition and required fees relating to such academic program or the apprenticeship program.~~

Drafting note: A definition of "applied sciences program" has been created and the term has been used in several places in proposed § 23.1-29xx in lieu of "such academic program" and similar phrases used in existing § 23-220.01. Subsections E and F of existing § 23-220.01 are logically reordered as subsections B and C of proposed § 23.1-29xx. The language in existing subsection C is updated to conform more closely to language currently used to designate other special funds in the Code.

23-220.4 [placeholder]

Note to work group: Added in 2015 (academic credit for military training).

§ ~~23-231.1-1~~ 23.1-29xx. Machinery and Equipment Donation Grant Program and Fund established.

A. As used in this section, unless the context requires a different meaning:

~~"Chancellor" means the Chancellor of the System.~~

"Machinery and equipment" means engines, machines, motors, mechanical devices, laboratory trainers, computers, printers, tools, parts, and similar machinery and equipment as set forth in guidelines developed by the System. "Machinery and equipment" includes specialized

software required for the operation of machinery and equipment qualified for a grant pursuant to this section.

"Vocational school" means any entity that offers career or technical education administered by the Department of Education pursuant to § 22.1-227. "Vocational school" does not include instructional programs that are intended solely for recreation, enjoyment, or personal interest, or as a hobby, or courses or programs of instruction that prepare individuals to teach such pursuits.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is hereby created in the state treasury a special nonreverting fund to be known as the Machinery and Equipment Donation Grant Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants [through the Machinery and Equipment Donation Grant Program](#) for qualified donations of machinery and equipment to comprehensive community colleges and vocational schools. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chancellor.

C. 1. A business that donates new machinery and equipment in good working condition, purchased within the 12 months prior to the donation, to a comprehensive community college or vocational school shall be eligible to apply to the System for a grant from the Fund. Such grant shall be in an amount equal to 20 percent of the purchase price of the machinery or equipment, not to exceed an aggregate grant of \$5,000 for all such donations during a calendar year.

2. In order to be eligible for a grant, the application shall include a written certification made by the donee comprehensive community college or vocational school that identifies the donee comprehensive community college or vocational school, the business donating the

machinery or equipment, the date of the donation, and the number of units of each item of machinery and equipment donated. The certification shall also include a statement by the donee comprehensive community college or vocational school that the machinery and equipment was needed and can be utilized by the comprehensive community college or vocational school for teaching or training students, and that such machinery and equipment will be principally used in [Virginia the Commonwealth](#) in teaching or training students.

3. Grants shall be issued in the order that each completed application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

4. In consultation with the Department of Education and the ~~State Council of Higher Education for Virginia~~, the System shall maintain and update as necessary on its website a list of vocational schools to which donations of machinery and equipment may qualify for a grant under this section. The System, in consultation with the ~~State Council of Higher Education for Virginia~~, shall also develop guidelines setting forth the general requirements for qualifying for and applying for a grant under this section, including a description of the types of machinery and tools eligible for a grant pursuant to this section. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

Drafting note: Technical changes are made, including relocating the definition of "Chancellor" to the proposed chapter-wide definitions section, § 23.1-29xx, and abbreviating references to the State Council of Higher Education for Virginia, the definition of which appears in the proposed title-wide definitions section, § 23.1-1xx.